THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.18769 OF 2006

DATED: 12-07-2007

BETWEEN

M. Sailu Mhaisekar, S/o. Sailu,
Occ: Social Worker and President
of SC for SC's Rights Association,
R/o.H.No.4-3-61/31, Pulanagar,
Bhainsa, Adilabad District
and others.

...PETITIONERS

AND

The Superintendent of Excise
And Prohibition, Adilabad District
and others.

...RESPONDENTS

ORDER:

Learned counsel for the petitioners submits that the grant and renewal of licence in favour of the fourth respondent by respondents 1 to 3 is illegal and arbitrary and contrary to Rule 29(II) of the Andhra Pradesh (Indian Liquor and Foreign Liquor) Rules, 1970 and Rule 27(1) of the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of licence) Rules, 2005, as the bar and restaurant of the fourth respondent is situated within the prohibited distance from a school – Vikas Public School.

2. Counter has been filed stating that the respondents 1 to 3 have inspected the premises and measured the distance between the Vikas Public School and M/s. Suraloka Vihar Bar & Restaurant of the fourth respondent, and that the distance between the two is 116 meters, therefore,

it is not within the prohibited distance of 100 meters.

3. However, the learned counsel for the petitioners submits that the school itself has been shifted and the present distance is more than 100 meters, therefore, the subject matter of the writ petition has become infructuous.

The writ petition is accordingly dismissed as infructuous. There shall be no order as to costs.

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V. ESWARAIAH, J

July 12, 2007
DSK